

Federal Operating Permit  
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Ball Metal Beverage Container Corp.
Facility Name:	Ball Metal Beverage Container Corp.
Facility Location:	750 Old Abingdon Highway Bristol, Virginia 24201
Registration Number:	10060
Permit Number:	SWRO10060

This permit includes the following programs:

**Federally Enforceable Requirements - Clean Air Act (Sections I through VI)**

Effective Date: November 14, 2006

Expiration Date: November 13, 2011

Deputy Regional Director: \_\_\_\_\_

Signature Date: November 14, 2006

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## **I. Facility Information**

### Permittee

Ball Metal Beverage Container Corp.  
9300 West 108<sup>th</sup> Circle  
Broomfield, Colorado 80021-3682

### Responsible Official

Mr. Charles F. Whiteaker  
Plant Manager

### Facility

Ball Metal Beverage Container Corp.  
750 Old Abingdon Highway  
Bristol, Virginia 24201-1899

### Contact Person

Mr. Glenn Lewis  
Environmental Engineer  
(303) 460-5084

County-Plant Identification Number: 51-520-00060

### **Facility Description:** 332431 – Manufacturing Aluminum Can Ends –

The plant produces beverage can ends processed from aluminum sheets. Several high-speed machines press the aluminum into lids of various sizes, the rims of the ends are coated with compound liner for sealing, and a tab is formed and attached to the ends. Volatile organic compound (VOC) emissions result from evaporation of solvent in the end seal compound, tab lubricant, and cleaning solvents.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date
Lines 1, 2, 3, 4, 5, 6, SEMS	----	~27 Crown Compound Liners; 9 Stolle presses; 2 Tab presses; installed 1971 - 1997	1100 ends/min each	-----	----	----	minor NSR - 11/14/00 (as amended 05/02/01, 11/22/02, & 12/16/04) & State Operating Permit – 12/16/04
		4 Stolle presses; installed 1999	1875 ends/min each				
Unit Ref. 04	AS-1A, AS-1B, AS-2A, AS-2B, Cyclone-1	Aluminum Scrap Collection from shell and tab formation processes. Pneumatic transfer, chopping, briquetting.	12,000 lb/hr maximum aluminum processing rate	4 Aluminum Scrap Air Screens 1 Aluminum Tab Scrap Cyclone	AS-1A, AS-1B, AS-2A, AS-2B, Cyclone-1	PM	----
R&D Line		1 Stolle Press	1875 ends/min	-----	----	----	----

✓ **Note:** The company plans to install 5 Preferred compound liner machines to replace 5 Crown compound liner machines, bringing the total Crown liners to 22 units.

\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

### **III. Facility Wide Conditions**

#### **A. Limitations**

1. Volatile Organic Compound (VOC) throughput and emissions from the facility shall not exceed 200 tons per year, calculated monthly as the sum of each consecutive twelve (12) month period.  
(9 VAC 5-80-1180, 9 VAC 5-50-260, 9 VAC 5-80-110, and Condition 3 of minor NSR permit issued 11/14/2000 (as amended 05/02/2001, 11/22/2002, and 12/16/2004))
2. Hazardous air pollutant (HAP) throughput and emissions, as defined by §112(b) of the Clean Air Act, from the facility shall not exceed 9.5 tons per year of any individual HAP or 24.5 tons per year of any combination of HAPs, calculated monthly as the sum of each consecutive twelve (12) month period. HAPs which are not accompanied by a specific CAS number as listed in the attachment shall be calculated as the sum of all compounds containing the named chemical when determining compliance with the individual HAP emissions limitation of 9.5 tons per year.  
(9 VAC 5-80-850, 9 VAC 5-50-260, 9 VAC 5-80-110, and Condition 3 of State Operating Permit issued 12/16/2004)
3. No owner or other person shall cause or permit to be discharged into the atmosphere from any process unit any particulate emissions in excess of the limits in Table 44A, 9 VAC 5-40-260.  
(9 VAC 5-40-22 C, 9 VAC 5-40-260 and 9 VAC 5-80-110)
4. The total process weight rate for each individual process unit at a plant or premises shall be used for determining the maximum allowable emission rate of particulate that passes through a stack or stacks.  
(9 VAC 5-40-22 C, 9 VAC 5-40-260 and 9 VAC 5-80-110)
5. Unless otherwise specified, the allowable particulate mass emission rate shall be determined for individual units of equipment.  
(9 VAC 5-40-22 C, 9 VAC 5-40-260 and 9 VAC 5-80-110)
6. Where the nature of any process or design of any equipment is such as to permit more than one interpretation of a regulation, the interpretation that results in the minimum value for allowable emissions shall apply.  
(9 VAC 5-40-22 C, 9 VAC 5-40-260 and 9 VAC 5-80-110)

7. Interpolation of the data in 9 VAC 5-40-260 A (Table 44A) for process weight rates up to 60,000 lb/hr shall be accomplished by use of the following equation:

$$E = 4.10 P^{0.67}$$

where:

$E$  = emission rate in lb/hr

$P$  = process weight rate in tons/hr

(9 VAC 5-40-260 C and 9 VAC 5-80-110)

8. Particulate matter emissions from the aluminum scrap chopping and screening operation shall not exceed 13.6 pounds per hour, as determined by the equation in Condition III.A.7.  
(9 VAC 5-40-260 A and 9 VAC 5-80-110)
9. The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.  
(9 VAC 5-20-180 I and Condition 11 of minor NSR permit issued 11/14/00 (as amended 05/02/01, 11/22/02, and 12/16/04))
10. Visible emissions from the aluminum scrap collection process as exhausted from the air screens and cyclone shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30% opacity. The cyclone and screens shall be inspected annually to verify structural integrity.  
(9 VAC 5-50-80 and 9 VAC 5-80-110)
11. A visible emissions check shall be performed on the aluminum scrap collection process exhausts, for compliance with limits on visible emissions. Visible checks shall be conducted at least weekly during periods of normal facility operation for a sufficient time interval, for not less than three months, to determine if there are any visible emissions. Checks may be conducted on a quarterly basis if no visible emissions are observed over the three month period. If visible emissions are observed during these observations, or at any other time, visible emissions evaluations in accordance with 40 CFR 60 Appendix A, Method 9 shall be conducted on those exhausts with visible emissions. The VEE shall be conducted for a minimum of six (6) minutes. If the six-minute average opacity exceeds 20%, procedures to correct the visible emission condition shall be taken immediately. The corrective action shall be followed by a six minute VEE in accordance with Method 9 to confirm compliance or 18 minutes if the opacity continues to be greater than 20%. A record of each visible emissions observation shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 9. The record shall include, at a minimum, the date, time, name of the emission unit, the

applicable visible emissions requirement, the results of the observation, and the name of the observer. If excess emissions are expected for more than one hour, DEQ malfunction procedures shall be implemented.  
(9 VAC 5-40-20 and 9 VAC 5-80-110 K)

## **B. Monitoring and Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

1. Annual throughput of VOC to the facility, calculated monthly as the sum of each consecutive 12 month period.
2. Material Safety Data Sheets (MSDS) or other vendor information showing VOC and HAP content for each compound liner, tab lube, and solvent material used. VOC content shall be determined by 40 CFR 60, Appendix A, Method 24 or other EPA approved method. HAP content shall be determined by 40 CFR 63, Appendix A, Method 311, manufacturer's data, or other EPA approved method.
3. Monthly and annual throughput (in gallons or pounds) of each compound liner, tab lube, and solvent material used in can end production operations. Annual throughputs shall be calculated monthly as the sum of each consecutive 12 month period.
4. Monthly and annual emissions (in pounds or tons) of VOC from the facility. Annual emissions shall be calculated monthly as the sum of each consecutive 12 month period.
5. Monthly and annual throughput and emissions to verify compliance with the individual and total HAP limitations in Condition III.A.2. Annual throughput and emissions shall be calculated monthly as the sum of each consecutive 12 month period.
6. Results of visible emissions evaluations as described in III.A.11 above.
7. Monthly and annual aluminum processing rates by the facility.
8. Annual cyclone and air screen inspection results.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.  
 (9 VAC 5-50-50, 9 VAC 5-80-110, Condition 5 of minor NSR permit issued 11/14/00 (as amended 05/02/01, 11/22/02, and 12/16/04) and Condition 4 of State Operating Permit issued on 12/16/04)

### C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
 (9 VAC 5-50-30, 9 VAC 5-80-110, Condition 4 of the Minor NSR permit issued 11/14/00 (as amended 05/02/01, 11/22/02, and 12/16/04), and Condition 5 of the State Operating Permit issued 12/16/04)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant Parameter	Test Method (40 CFR Part 60, Appendix A)
VOC Content	EPA Methods 24, 24a
HAP Content	40 CFR 63, Appendix A, EPA Method 311 or manufacturer's data

(9 VAC 5-80-110)

### IV. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation <sup>1</sup> (9 VAC_)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
IS-1	Industrial Lift Trucks	9 VAC 5-80-720 A.23		
IS-2	gas-fired space heaters	9 VAC 5-80-720 A.6		
IS-3	One gas-fired water heater	9 VAC 5-80-720 C.2		40,000 Btu/hr
IS-4	Propane-powered floor scrubber	9 VAC 5-80-720 A.9		



<b>Emission Unit No.</b>	<b>Emission Unit Description</b>	<b>Citation<sup>1</sup> (9 VAC_)</b>	<b>Pollutant Emitted (5-80-720 B.)</b>	<b>Rated Capacity ( 5-80-720 C.)</b>
IS-5	Propane/oil-powered lift	9 VAC 5-80-720 A.23		
IS-6	Steam Cleaner	9 VAC 5-80-720 A.61		
IS-9	Two 6,000 gal Compound Storage Tanks	9 VAC 5-80-720 B.2	VOC	
IS-10	8,000 gal Water-base Compound Storage Tank	9 VAC 5-80-720 B.2	VOC	
IS-16	4 AT4 Conversion Presses	9 VAC 5-80-720 B.2	VOC	
IS-17	2 Bruderer Tab Presses	9 VAC 5-80-720 B.2	VOC	
IS-18	Two 10,000 gal Solvent/Lube Storage Tanks	9 VAC 5-80-720 B.2	VOC	
IS-19	Cold Cleaner Parts Washers	9 VAC 5-80-720 B.2	VOC	
IS-20	Preferred Compound Liners	9 VAC 5-80-720 B.2	VOC	

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## **V. Permit Shield & Inapplicable Requirements**

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

<b>Citation</b>	<b>Title of Citation</b>	<b>Description of applicability</b>
40 CFR 60.110b-117b	Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984	Applies to VOC storage vessels whose capacities exceed 75 m <sup>3</sup> (19,813 gal). All tanks at the facility are smaller than this.
40 CFR 60.490-496	Subpart WW - Standards of Performance for the Beverage Can Surface Coating Industry	The facility does not coat beverage cans, but only manufactures and seals the ends that are attached to such cans.
9 VAC 5-40-3260	Emission Standards for Solvent Metal Cleaning Operations using Non-Halogenated Solvents	Applies to VOC control areas only.
9 VAC 5-40-3410	Emission Standards for VOC Storage and Transfer Operations	Applies to VOC control areas only.
9 VAC 5-40-4010	Emission Standards for Can Coating Application Systems	Applies to VOC control areas only.
40 CFR Part 63.460-469	Subpart T - National Emission Standards for Halogenated Solvent Cleaning	Applies to cleaning machines using chlorinated solvents listed in 40 CFR 63.460(a). This facility does not use them.
40 CFR 63.3880-3981	Subpart MMMM - National Emission Standards for Surface Coating of Miscellaneous Metal Parts and Products	Applies to major sources of HAPs. This source is not major for HAPs.
40 CFR Part 63.3480-3581	Subpart KKKK – National Emission Standards for Surface Coating of Metal Cans	Applies to major sources of HAPs. This source is not major for HAPs.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

## **VI. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F.1 and F.5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
  - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
  - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
    - (1) Exceedance of emissions limitations or operational restrictions;
    - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
    - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
  - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.

4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.
7. One copy of the annual compliance certification shall be sent to EPA at the following address:  
Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.  
(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Southwest Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VI.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

#### **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Southwest Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Southwest Regional Office.

(9 VAC 5-20-180 C)

**G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

**H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

**I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee, in an enforcement action, to contend that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

**J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

**K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

**L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

#### **M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

#### **N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)



**O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

**P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

**Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

## **R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

## **S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

## **T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

#### **U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
  - e. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
  - f. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

**V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

**W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

**X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

**Y. Asbestos Requirements**

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).

(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

**Z. Accidental Release Prevention**

If the permittee has, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

**AA. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

**BB. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)